

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

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ROD PETERSON a/k/a IMAM FAHIEM H. HAQQ,

PLAINTIFF,

-against-

CV11-00808 (JG)(VVP)

**RULE 12.1 NOTICE TO PRO  
SE LITIGANT OF MOTION  
TO DISMISS**

NEW YORK CITY POLICE DEPARTMENT and THE  
CITY OF NEW YORK, PORT AUTHORITY BRIDGES  
AND TUNNELS, EDDIE CRESPO-transportation police  
officer, ALBERT MELENDEZ, Bridge & tunnel  
employee officer,

DEFENDANTS.

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**PLEASE TAKE NOTICE**, that pursuant to Rule 12.1 of the Local Civil Rules of the  
United States District Courts for the Southern and Eastern Districts of New York, Defendant,  
The Port Authority of New York and New Jersey (hereinafter the "Port Authority"), hereby  
notifies Plaintiff Rod Peterson a/k/a Imam Fahiem H. Haqq that:

1. The defendant Port Authority has moved to dismiss or for judgment on the  
pleadings pursuant to Rule 12(b) or 12(c) of the Federal Rules of Civil Procedure, and has  
submitted additional written materials. This means that the defendant has asked the court to  
decide this case without a trial, based on these written materials. You are warned that the Court  
may treat this motion as a motion for summary judgment under Rule 56 of the Federal Rules of  
Civil Procedure. For this reason, THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY  
BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THIS MOTION by  
filing sworn affidavits or other papers as required by Rule 56(e). An affidavit is a sworn  
statement of fact based on personal knowledge that would be admissible in evidence at trial. The

full text of Rule 56 of the Federal Rules of Civil Procedure is attached.

2. In short, Rule 56 provides that you may NOT oppose the defendant's motion simply by relying upon the allegations in your complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by the defendant and raising issues of fact for trial. Any witness statements must be in the form of affidavits. You may submit your own affidavit and/or the affidavits of others. You may submit affidavits that were prepared specifically in response to defendant's motion.

3. If you do not respond to the motion on time with affidavits or documentary evidence contradicting the facts asserted by the defendant, the court may accept defendant's factual assertions as true. Judgment may then be entered in defendant's favor without a trial.

4. If you have any questions, you may direct them to the Pro Se Office.

Dated: New York, New York  
April 18, 2011



MEGAN LEE, ESQ.

TO: Rod Peterson, pro se  
P.O. Box 341264  
Jamaica, NY 11434